

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of THE COMMONWEALTH OF PUERTO RICO <u>et al.</u> , Debtors. ¹	PROMESA Title III Case No. 17 BK 3283-LTS (Jointly Administered)
In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, Debtor.	PROMESA Title III Case No. 17 BK 4780-LTS

ORDER DENYING MOTION FOR LEAVE TO FILE SUR-REPLY (DOCKET ENTRY NO. 2013 IN CASE NO. 17-4780) AND GRANTING MOTION TO STRIKE UNAUTHORIZED SUR-REPLY (DOCKET ENTRY NO. 13266 IN CASE NO. 17-3283 AND DOCKET ENTRY NO. 2018 IN CASE NO. 17-4780)

The Court has received and reviewed the *Motion for Leave to File Sur-Reply to PREPA's Omnibus Reply to Objections to PREPA's Urgent Motion for Entry of an Order Authorizing PREPA to Assume Certain Contracts with Ecoeléctrica, L.P. and Gas Natural*

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Aprovisionamiento SDG, S.A. (Docket Entry No. 2013 in Case No. 17-4780, the “UTIER Motion”), filed by Unión de Trabajadores de la Industria Eléctrica y Riego, Inc. (“UTIER”), and the *Urgent Motion to Strike Windmar’s Unauthorized Sur-Reply to PREPA’s Omnibus Reply to Objections to PREPA’s Urgent Motion for Entry of an Order Authorizing PREPA to Assume Certain Contracts with EcoEléctrica, L.P. and Gas Natural Aprovisionamientos SDG, S.A.* (Docket Entry No. 13266 in Case No. 17-3283 and Docket Entry No. 2018 in Case No. 17-4780, the “Motion to Strike”) filed by the Financial Oversight and Management Board for Puerto Rico. The UTIER Motion requests leave to file a sur-reply that is attached as Exhibit 1 to the UTIER Motion. The Motion to Strike requests entry of an order striking the first of two sur-replies filed by Windmar Renewable Energy, Inc. (“Windmar”). (Docket Entry No. 2010 in Case No. 17-4780 at pp. 1 of 24 through 12 of 24.)

The Court’s order directing UTIER and Windmar to file sur-replies limited the scope of those sur-replies to the issue of standing. (See Order Regarding Sur-Replies in Connection with PREPA’s Urgent Motion for Entry of an Order Authorizing PREPA to Assume Certain Contracts with Ecoelétrica, L.P. and Gas Natural Aprovisionamientos SDG, S.A., Docket Entry No. 13207 and Docket Entry No. 2003 in Case No. 17-4780.) The Court will not consider further submissions on topics outside of the scope of that order. Accordingly, (1) the UTIER Motion is denied, and the portion of UTIER’s proffered sur-reply that addresses issues other than standing is hereby stricken, and (2) the Motion to Strike is granted as set forth herein, and the sur-reply proffered by Windmar concerning issues other than standing is hereby stricken.

This Order resolves Docket Entry Nos. 2013 and 2018 in Case No. 17-4780 and Docket Entry No. 13266 in Case No. 17-3283.

SO ORDERED.

Dated: May 29, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge